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APPLICATION NO.	FILING DATE	. FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/658,257	09/10/2003	Joachim Thiel	242680US6	4014
22850 7	7590 10/13/2005		EXAM	INER
•	•	D, MAIER & NEUSTADT, P.C.	MANOHARA	N, VIRGINIA
1940 DUKE S ALEXANDRI	A, VA 22314		ART UNIT	PAPER NUMBER
,	,		1764	
•			DATE MAILED: 10/13/200	

Please find below and/or attached an Office communication concerning this application or proceeding.

		_ 1				
		Application No.	Applicant(s)	<del>- t</del>		
Office Action Summan		10/658,257	THIEL ET AL.			
	, Office Action Summary	Examiner	Art Unit			
		Virginia Manoharan	1764			
Period fo	The MAILING DATE of this communication app or Reply	pears on the cover sheet with the	correspondence address	 ·		
WHIC - Exter after - If NC - Failu Any (	ORTENED STATUTORY PERIOD FOR REPL' CHEVER IS LONGER, FROM THE MAILING Donsions of time may be available under the provisions of 37 CFR 1.1 SIX (6) MONTHS from the mailing date of this communication. To period for reply is specified above, the maximum statutory period or to reply within the set or extended period for reply will, by statute reply received by the Office later than three months after the mailing ed patent term adjustment. See 37 CFR 1.704(b).	ATE OF THIS COMMUNICATION  36(a). In no event, however, may a reply be to will apply and will expire SIX (6) MONTHS from the cause the application to become ABANDON	N. imely filed in the mailing date of this communic ED (35 U.S.C.§ 133).			
Status		•				
1)⊠	Responsive to communication(s) filed on 31 A	<u>ugust 2005</u> .				
2a)□	This action is <b>FINAL</b> . 2b)⊠ This	action is non-final.				
3)□	Since this application is in condition for allowar			s is		
	closed in accordance with the practice under E	x parte Quayle, 1935 C.D. 11, 4	,53 O.G. 213.			
Disposit	ion of Claims					
5)□ 6)⊠ 7)⊠	Claim(s) <u>1-15</u> is/are pending in the application 4a) Of the above claim(s) is/are withdraw Claim(s) is/are allowed. Claim(s) <u>1-5 and 15</u> is/are rejected. Claim(s) <u>6-14</u> is/are objected to. Claim(s) are subject to restriction and/o	wn from consideration.				
Applicati	ion Papers					
10)	The specification is objected to by the Examine The drawing(s) filed on is/are: a) acc Applicant may not request that any objection to the Replacement drawing sheet(s) including the correct The oath or declaration is objected to by the Ex	epted or b) objected to by the drawing(s) be held in abeyance. So tion is required if the drawing(s) is o	ee 37 CFR 1.85(a). bjected to. See 37 CFR 1.12			
Priority (	under 35 U.S.C. § 119					
12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  a) All b) Some * c) None of:  1. Certified copies of the priority documents have been received.  2. Certified copies of the priority documents have been received in Application No  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  * See the attached detailed Office action for a list of the certified copies not received.						
2) Notice	t(s) se of References Cited (PTO-892) se of Draftsperson's Patent Drawing Review (PTO-948) mation Disclosure Statement(s) (PTO-1449 or PTO/SB/08) or No(s)/Mail Date	4) Interview Summar Paper No(s)/Mail ( 5) Notice of Informal 6) Other:				

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#### **DETAILED ACTION**

Acknowledgment is made of applicant's claim for foreign priority based on an application filed in Germany on January 8, 2003. It is noted, however, that applicant has not filed a certified copy of the German application as required by 35 U.S.C. 119(b).

The specification has not been checked to the extent necessary to determine the presence of all possible minor errors, e.g., typographical, grammar, idiomatic, syntax and etc. Applicants' cooperations are requested in correcting any errors of which applicants may become aware in the specification.

The abstract of the disclosure is objected to because of the inclusion of legal phraseology often used in patent claims such as "comprising" in lines 1-3 & 8-9 and "comprises "in line 6... Correction is required. See MPEP § 608.01(b).

The drawings are objected to because the "Brief Description of the Drawing(s) as set forth in 37 CFR 1.74 is missing from the specification.

See MPEP § 608.01(f). Also, applicants should check any Figure(s) in the drawings that should be designated by a legend such as --Prior Art--, if needed, because only that which is old is illustrated. See MPEP § 608.02(g).

[Corrected drawings in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and

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where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance].

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-5 and 15 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

- a). It is unclear whether the limitation(s) recited prior the phrase "which comprises" in claim 1 is to be regarded as part of applicants' invention or not?

  Applicants should recite the claim in Jepson -format (if intended) to delineate that which is an improvement in the art.
- b). The claimed "the condensation space" (line 4) and "the separating internals"(line 5) in claim 1 lack antecedent supports in the claims.
- c). It is unclear whether the recited "a spray zone" in claim 2 is the same or different from the "at least two spray zones" initially recited in claim 1, the claim from which it depends.

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d). Claim 1 should be recited in active, manipulative steps so as to avoid ambiguity in the claims with the recitation of the steps in the passive voice.

e). Claim 15, as framed, is narrative in form. The process steps language and the functional language make the actual structures vague. The structure which goes to make up the device must be clearly and positively specified. Just as an example only: the chimney tray and spray condenser should be positively recited as structures in the claim. The structure must therefore be organized and correlated in such a manner as to present a complete operative device.

[While the claims can be amended, however, care must be exercised to avoid introduction of anything which could be construed to be new matter prohibited by 35 U.S.C. 132 and 37 CFR 1.121].

Claims 6-14 are objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claim should refer to other claims in the alternative only and/or cannot depend from any other multiple dependent claim. See MPEP § 608.01(n). Accordingly, these claims have not been further treated on the merits.

Claims 1-5 are objected to because "form" in claim 1, line 6 should be --formed--

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

<sup>(</sup>a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

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Claim 1 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Matsumoto et al (6,409,886) in view of Applicants' Disclosure of admitted prior art as illustrated for examples by EP 1097742 and DE 10200583.

Matsumoto et al discloses substantially the process and apparatus as claimed. The process and apparatus of Matsumoto differs from the claimed invention in that claim 1 for example recites "...effecting the direct cooling of the vapor in the condensation space in at least two spray zones, which are spatially successive and are flowed through by vapor, by spraying supercooled top condensate comprising added polymerization inhibitor, and the temperature of the sprayed supercooled top condensate becoming lower from spray zone to spray zone in the flow direction of the vapor..."; and claim 15 recites "..a spray condenser having at least two spray zones..." However the above limitations are known in the art as admitted by applicants. At page 4, lines 9-16, applicants admit that "..EP-A 1097742.. proposes.. ..direct cooling (for example by jetting in supercooled condensate) in a cooling apparatus spatially separated from the rectification .....recommends the downstream connection of a separate aftercooler...". Further, at page 4, lines 31-39 applicants admit that in "..DE-A 10200583..... the vapor condensation integrated into the top of the column is effected by means of two direct cooling circuits (quench circuits) connected in series. The first is operated by means of supercooled top condensate which has been condensed beforehand and admixed with polymerization inhibitor (in this document, supercooled in the given context always means that the top condensate, after its withdrawal from the rectification column, has been brought to a temperature lower than

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the withdrawal temperature before it is fed into the rectification column for the purpose of direct cooling) and the second by means of cooled water. ..." To incorporate the limitations admitted to be known by applicants to the process and apparatus of Matsumoto would have been obvious to one of ordinary skill in the art as all the references are directed to similar processing environment, i.e., to a process for inhibiting polymerization of easily –polymerizable compound and also for the purpose of separating offgas and constituents to be condensed for example the methacrylic monomers as suggested by EP-A 1097742.

Claims 2-5 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- a). Toot, Jr shows successive spray nozzles in a tray zone.
- b). Arlt et al and Hamamoto et al both disclose a process wherein an inhibitor is intorduced at an upper separation stage.
- c). Yoneda et al discloses at least one condenser.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to V. Manoharan whose telephone number is (571) 272-1450.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenn Caldarola can be reached on (571) 272-1444. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

VIRGINIA MANOHARAN PRIMARY EXAMINER ART UNIT 125 (74)

10/11/01

### FILED BY IDS VERTRAG ÜBER DIE INTERNATIONALE ZUSAMMENARBEIT AUF DEM GEBIET DES PATENTWESENS

## PCT

#### INTERNATIONALER RECHERCHENBERICHT

(Artikel 18 sowie Regeln 43 und 44 PCT)

Aktenzeichen des Anmelders oder Anwalts	WEITERES siehe Mittellung	über die Übermittlung des internationalen
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Internationales Aktenzeichen	Internationales Anmeldedatum (Tag/Monal/Janr)	(Frühestes) Prioritätsdatum (Tag/Monat/Jahr)
PCT/EP 03/14877	24/12/2003	08/01/2003
Anmelder		
BASF AKTIENGESELLSCHAFT		
Dieser internationale Recherchenbericht wurd Artikel 18 übermittelt. Eine Kopie wird dem Int	e von der Internationalen Recherchenbeh ernationalen Büro übermittelt, \	orde erstellt und wird dem Anmeider gemäß
Dieser internationale Recherchenbericht umfa	Rhinengeemt 4 Blanc	·
		r. annten Unterlagen zum Stand der Technik bei.
		- more officially and reduced to
1. Grundlage des Borichts		
<ul> <li>a. Hinsichtlich der Sprache ist die inter durchgeführt worden, in der sie einge</li> </ul>	nationale Recherche auf der Grundlage de ereicht wurde, sofern unter diesem Punkt i	er internationalen Anmeldung in der Sprache nichts anderes angegeben ist.
Die Internationale Recherche Anmeidung (Reget 23.1 b)) o	e ist auf der Grundlage einer bei der Behör lurchgeführt worden.	rde eingereichten Übersetzung der internationalen
b. Hinsichtlich der in der internationaler	i Anmeldung offenbartan Nucleotid- und equanzprotokolis durchgeführt worden, da	oder Aminosäuresequenz ist die Internationale
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6. Folgende Abbildung der Zeichnungen ist	mit der Zusammenfassung zu veröffentlic	then: Abb. Nr.
wie vom Anmelder vorgeschla	•	X keine der Abb.
	e Abbildung vorgeschlagen hat.	
weil diese Abbildung die Erfind	dung besser kennzeichnet.	

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Translation of Category of Cited Documents in the attached foreign language Search Report:

- X: particularly relevant if taken alone
- Y: particularly relevant if combined with another document of the same category
- A: technological background
- O: non-written disclosure
- P: intermediate document
- T: theory or principle underlying the invention
- E: earlier patent document, but published on, or after the filing date
- D: document cited in the application
- L: document cited for other reasons
- &: member of the same patent family, corresponding document

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Internationales Aktenzeichen
PCT/CP 03/1/077

	<u> </u>	· PCT/EP	03/14877
A. KLAS IPK 7	SIFIZIERUNG DES ANMELDUNGSGEGENSTANDES C07C51/44 C07C67/54 C07C4	5/82 B01D3/16	
Nach der	internationalen Palentklassifikation (IPK) oder nach der nationalen	ı Klassilikatlon und der IPK	•
B. RECH	ERCHIERTE GEBIETE	·	
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A	EP 1 097 742 A (NIPPON CATALYTI 9. Mai 2001 (2001-05-09) in der Anmeldung erwähnt Ansprüche; Beispiele	C CHEM IND)	1-15
A	DATABASE WPI Section Ch, Week 200131 Derwent Publications Ltd., Londo Class A41, AN 2001-293790 XP002277806 & JP 2000 344688 A (MITSUBISHI Classed Devember 2000 (2000-12-12) in der Anmeldung erwähnt Zusammenfassung		1-15
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ame und Pos	slanschrift der internationalen Recherchenbehörde Europäisches Patentami, P.B. 6818 Patentisan 2 NL – 2280 HV Rijswijk	Bevollmächligter Bediensteler	
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## INTERNATIONALER RECHERCHENBERICHT

Internationales Aktenzeichen
PCT/FP 03/14877

C.(Fortsets	ung) ALS WESENTLICH ANGESEHENE UNTERLAGEN	PCT/EP 0	3/14877
Kategorie	Bezeichnung der Veröffenlüchung, sowail erforderlich unter Angabe der in Betracht komm	Belr. Anspruch Nr.	
A	DE-101 15 277 A (BASF AG) 13. Juni 2002 (2002-06-13) Spalte 8, Zeile 41 -Spalte 9, Zeile 8; Ansprüche; Abbildung	· · ·	1-15
A	EP 1 044 957 A (NIPPON CATALYTIC CHEM IND) 18. Oktober 2000 (2000-10-18) in der Anmeldung erwähnt Ansprüche; Abbildungen 1,6		1-15
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#### INTERNATIONALER RECHERCHENBERICHT

Angaben zu Veröffentlichungen, die zur selben Palentfamilie gehören

Internationales Aldenzeichen PCT/EP 03/14877

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ĒΡ	1097742	A	09-05-2001	JP CN EP US ZA	2001131116 A 1295058 A 1097742 A 6596129 B 200006116 A	16-05-200 1 09-05-200 1 22-07-200
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DE	10115277	A	13-06-2002	DE WO EP	10115277 A: 02076917 A: 1383727 A:	03-10-200
EP	1044957	Α	18-10-2000	BR CN EP JP US ZA	0001605 A 1270950 A 1044957 A1 2000355570 A 6409886 B1 200001882 A	26-12-200